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September 2, 2003

Secretary,
Federal Communications Commission
Washington, D.C. 20544

Enclosed please find an original and 14 copies of a petition to simplify testing for all amateur radio licenses by restricting operation to phone emissions and introducing deregulation of authorized mode testing for other authorized amateur radio service modes.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Speroni".

Joseph Speroni, AH0A

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03-293

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C 20544

In the Matter of

Amendment of Part 97 of Commission
Rules to Deregulate Testing For Non-Voice
Mode Allocations for Amateur Radio Licenses

To: The Commission

PETITION FOR RULE MAKING



With revision of Article 25 at the WRC-2003¹. Petitioner, Joseph Speroni (AHØA), requests Commission rules be modified so amateur licensees gain mode privileges on all bands by having to demonstrate proficiency in mode they wish to operate. Testing would be deregulated and privileges granted in a way that would not involve the Commission in new tasks. Furthermore Petitioner seeks a modification to the Technician license that makes this class of "entry level" license more relevant to new amateurs.

Petitioner proposes mode deregulation changes that:

- (1) require no additional classes of licenses; simplify the entry level license; and reduce testing for all amateur licenses – Technician, General, and Extra – to cover only phone emission privileges.
- (2) require no modifications to the ULS system, and
- (3) promote the training of operators, technicians, and electronics experts² thru introduction of deregulated mode privilege testing

I. Introduction and Background

This petition is submitted as an alternate approach to that proposed by a recently filed NCVEC petition.

1. Petitioner has long held a personal opinion that the Novice and Technician license requires knowledge of too many technologies to be a fair entry level license. The now defunct Novice examination had acquired this problem because of attempts to make the license more attractive to newcomers by increasing frequency allocations and modes. New privileges required additions to the question pool, covering technologies often of no interest to the candidate.

¹ Article 25 removes the Morse code test requirements for operating in bands below 30 MHz.

² §97.1 (e)

2. The NCVEC petition suggests “. . . manual CW is just another one (mode) that deserves no special priority”³. Petitioner agrees, but notes deleting all testing would give CW less priority while knowledge of phone, RTTY, data, images, SS, pulse and other technologies would continue to be required. Though no longer the most used mode of operation in the U.S. amateur service, CW remains the second by a large margin. If we are to test for use of phone privileges, it seems reasonable to test CW skills *if an applicant intends to operate that mode*.

The NCVEC petition further states “In short, the Commission should ensure that the amateur examination elements are appropriate *for the types of operation that will be performed by the licensee*.” Petitioner strongly agrees.

3. The NCVEC petition suggests that VECs and VE teams are unnecessarily burdened by administering Morse code examinations. While Petitioner doubts this is any more significant than, for example, adding another entry level license class (being considered by NCVEC), the concern for overburdened VECs argues they be able opt out of Morse code testing (or the other mode privilege elements⁴ being proposed by Petitioner). The Commission may also consider opening the gate for additional VEC accreditation, if test coverage is affected by their inability to participate in all mode privilege element examinations.

4. The NCVEC petition suggests Morse code testing will be “an unnecessary burden on the FCC”. Since the process can be handled by the VEC/VE teams and credit given with CSCEs, it is unreasonable to suggest Commission burden will increase. No Commission ULS database transactions (electronic or in any other form) are currently involved.

The legal issues have to be faced as it is unfortunately true that some may use the Morse code issue and the legal system to force their positions. Petitioner would suggest however that the same can be true of *written examinations and some learning disabilities*. The Commission has an ongoing problem as long as there are any examination requirements for an amateur radio license. The only protection against such actions is “reasonableness” of the conditions.

5. Current rules allow stations to use CW to identify, regardless of the frequency operated. Most stations under automatic control use CW and there would be a significant cost penalty to forcing station owners either to pass a CW examination or convert their equipment to use voice identification. Petitioner recommends allowing CW identification, even if the licensed owner can not copy it. The cost penalty of not allowing all stations to use CW for identification would be too great.

³ Section II, “Telegraphy requirement in the Amateur Service”, paragraph 1, first sentence.

⁴ Petitioner is concerned that with the majority of VECs having taken the position that CW testing is a burden, they might withdraw from amateur testing if Morse code remains part of the amateur licensing requirements in any form. The “opt-out” is proposed as a way to offer continuing participation on their terms; other VEC may step forward to cover mode testing examination requirements.

II. Does the U.S. Amateur Service Need Growth?

6. The U. S. has the largest amateur service in the world with active involvement in training of operators in emergency communications⁵. The service is not in any immediate need for licensing requirement relief. Petitioner notes the number of HF licensees has grown by 13.4%⁶ since restructuring in April 2000. This in an annual growth rate of 3.9

A national conference involving most major amateur radio organizations requiring them to reach consensus would be an opportunity to find a solution to the restructuring supported by the majority of amateurs⁷.

7. Petitioner would agree that growth of the amateur service among students and young adults is waning, an opinion that unfortunately can't be backed up with facts since the FCC database no longer has date of birth information. Still Petitioner believes there is justification to makes changes to the entry level license in order to attract youth into the service.
8. The business interest of manufacturers, publishers (print and web based), and the related business interests of VECs are justifiable reasons to restructure, if they do not negatively affect the purposes of the amateur service. Business plans of these organizations might help the Commission in making determinations of future changes. What growth rates will be considered acceptable to these important amateur radio partners?
8. Petitioner believes there is time to carefully consider restructuring based on S25 changes. The Commission should require the amateur community reach consensus on the need and manner to further restructure the amateur service rather than take action thru an expedited order, or the difficult review of the voluminous comments. The individual issues are simple but interconnected; involving trades offs between important amateur radio groups.

⁵ Today Japan has more amateurs at 723,497 vs. 687,860; but 92% of Japanese operators have limited privileges restricted to 10 watts power. There is no history of involvement in emergency communications or organizations like RACES or ARES. Licensed Japanese stations are dropping at the rate of 6,000 per month. Petitioner predicts this will continue so that by the end of 2003 the U.S. will have more licensed amateur stations than Japan, despite the U.S. retaining Morse code testing and stricter licensing requirements.

⁶ Analysis of ULS data for Extra, Advanced Class, and General licensees take from Commission's ULS database. See <http://www.ah0a.org/FCC/Licenses.html>

⁷ Petitioner raises this as an aside because he feels the current process is unlikely to favor opinions of those wishing to see some level of technical qualification be retained in amateur radio licensing requirements. A more inclusive forum might find compromises acceptable to a larger number of amateurs.

III. Description of Proposed Changes

9. Given the above, Petitioner proposes the following changes to licensing regulations for the amateur service:
- a) Remove the requirement for amateurs to demonstrate Morse code ability in order to operate HF phone. Retain Morse testing at 5 wpm for all licensees wishing to operate Morse code in all CW subbands.
 - i. Retain the VEC CSCE system for credit so the Commission ULS database need not record the information.
 - ii. Make VEC participation optional, if it is considered a burden on them and their VE teams.
 - b) Remove any requirement for new Technician, General and Extra class licensees to demonstrate knowledge of RTTY, data⁸, image, SS, pulse/test, RACES/ARES and space communications.
 - i. Reduce the Element 2 examination to 20 questions related to phone operation.
 - ii. Increase the Element 3 examination to 40 questions by testing applicants with a more detailed set of questions related to phone operation (move some questions from Element 2, and delete those not related to phone technologies). Move all Commission Rules questions from Element 4 to Element 3. *Require more knowledge of fewer subjects.*
 - iii. Maintain the Element 4 examination at 50 questions; remove questions not related to phone operation; cover all Commission rules in Element 3. *Require detailed knowledge of fewer subjects.*
 - c) As with CW, use mode privilege element examinations to test knowledge of RTTY, data, image, SS, pulse/test, RACES/ARES, and space communications. Examinations would be 15 questions from a pool of 150 questions, allowing testing of detailed understanding of new mode privileges sought. There would be no obligation for applicants to pass examinations for mode privileges that they do not wish to operate; this would not be part of the examinations for Technician, General, or Extra class licenses.
 - i. Use the VEC CSCE system for credit so the Commission ULS database need not record the information.
 - ii. Make VEC participation in mode privilege element examinations optional if it is considered a burden on them and their VE teams.
 - d) Open the gate for new VECs if the current members can not handle the burden of examinations for mode privileges (one of which would be CW). Amateur organizations with interest in particular modes *may*⁹ become interested in participating, perhaps in partnership of existing VECs, to promote their organizations and modes.¹⁰

⁸ Petitioner believes the current regulations on digital transmissions are too restrictive. Rules allowing amateurs, knowledgeable in signal processing algorithms and computer programming, to more easily "contribute to the advancement of the radio art."

⁹ Petitioner feels the process of generating and maintaining questions pools needs recognition for funding in VEC regulations. Some portion of reimbursements could be earmarked for the QPC and participating organizations, explicitly for that purpose, with public disclosure of how the funds are used.

¹⁰ Allow these organizations to develop testing methods using Internet technologies to reduce costs and make examinations more widely available.

IV. Proposed Regulation Changes

Subpart D – Technical Standards

Amend §97.301, paragraph 1, as follows:

The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface, within the specified ITU region, and outside any area where the amateur service is regulated by any authority other than the FCC. **Control operators may transmit emission types authorized by their license and mode certificates (CSCEs).**

Amend §97.305, (a) as follows:

(a) **An amateur station may not transmit an emission on frequencies authorized to the control operator, except for the purpose of station identification, unless authorized to use that mode.**

Subpart F – Qualifying Examinations Systems

Amend Section §97.50 as follows:

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for, the following examination elements:

- (a) Amateur Extra Class operator: Elements 2, 3, and 4;
- (b) General Class operator: Elements 2, and 3;
- (c) *****

Amateur operator licensees may be authorized additional emission privileges by passing separate mode privilege elements. These cover CW/MCW, RTTY, data, image, SS, pulse/test, RACES/ARES and space communications.

Amend Section §97.503¹¹, as follows:

- (a) A telegraphy examination must be sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0-9, period, comma, question mark, slant mark and prosigns AR, BT and SK.
 - (1) Element 1: 5 words per minute.

¹¹ The redistribution of the number of questions can be done by moving question unrelated to the reduced privileges to the next higher Element. After the proposed redistribution, total questions for the Technician Class license will be 15 fewer, the General Class license 10 fewer, and the Extra Class license the 10 fewer.

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

- (1) Element 2: **20** questions concerning the **phone emission** privileges of a Technician Class operator license. The minimum passing score is **15** questions answered correctly.
- (2) Element 3: **40** questions concerning the **phone emission** privileges of a General Class operator license. The minimum passing score is **30** questions answered correctly.
- (3) Element 4: 50 questions concerning **phone emission** privileges of an Amateur Extra Class operator license. The minimum passing score is 37 questions answered correctly.
- (4) **Written mode privilege elements of 15 questions for each mode authorization earned. The minimum passing score is 11 questions answered correctly.**

Amend Section §97.505, Element Credit, as follows:

Add paragraph (10)

(10) An unexpired (or expired but within the grace period for renewal) FCC-issued Extra, Advanced Class or General operator license granted before MMM DD, YYYY: All written mode privilege elements.

Amend Section §97.509 Administering VE requirements, as follows:

(3) Be a person who holds an amateur operator license of the class specified below:

- (i) Amateur Extra, Advanced or General Class in order to administer a Technician Class operator license examination, **or mode privilege elements;**

Amend Section §97.521 VEC qualifications, as follows:

(c) Agree to coordinate examinations for any class of amateur operator license, **although VECs (and their VE teams) can opt out of mode privilege elements if they are a burden;**

Therefore, considering the above, Petitioner requests the Commission enact the proposed regulations, or issue an order a Notice of Proposed Rule Making if they require extensive comment.

Respectfully submitted,


Joseph Speroni, AH0A

Appendix A

Japanese and US Licensing Statistics

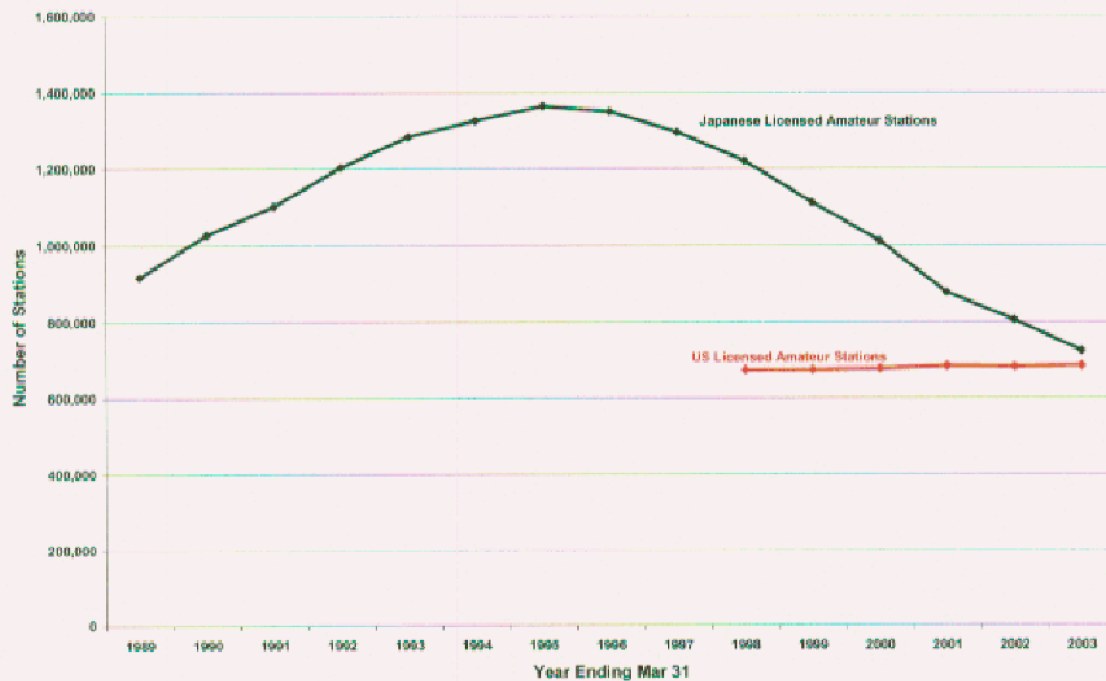


Chart 1

- Notes:
- (1) S Station Counts From FCC ULS Database Downloads 1998-2003
 - (2) Japanese Station Counts From MPT Statistics 1989-2003
 - (3) Japan has had a no-code entry level HF license since the early 1950's; Petitioner feels that the drop of Japanese stations is directly related to an extremely simple entry license that attracts many who really have no interest in the amateur hobby and quickly drop it